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Provided, however, That in any such case it shall be the duty of the health bureau of the city of Jersey City within 48 hours after making an inspection which shall disclose a violation of sections 26, 27, 28, 30, 31, or 32 of this ordinance, to cause to be mailed to the person, firm, or corporation charged with such violation a notice stating the nature of the violation, and that, therefore, such person, firm, or corporation is guilty of a violation of this ordinance and stating the liability incurred thereby. In case the person, firm, or corporation charged with such violation has not previous thereto violated the provisions of the sections of this ordinance with which such person, firm, or corporation is now charged, and shall within 14 days after the mailing of the said above-mentioned notice pay to the superintendent of the health bureau of Jersey City, for the use of the municipality, a penalty of \$15 (and such payment shall constitute a first conviction for violation of said sections of this ordinance), no action for the recovery of a penalty shall be commenced against such person, firm, or corporation for said violation.

And it is further provided, That the provisions of section 31 of this ordinance regulating the pasteurization of all grade B milk shall not take effect or become operative until six months after the date of the passage of this ordinance.

ROCK ISLAND, ILL.

Milk and Cream—Production, Care, and Sale. (Ord. Apr. 26, 1915.)

SECTION 1. That the ordinance entitled "Milk and cream inspection" be amended in the following manner:

Milk and food division established.—There is hereby established a division of the department of health of the city of Rock Island, to be known and designated as the "Milk and food division," which shall embrace the commissioner of health and such other inspectors and employees as the council may by ordinance prescribe and establish.

SEC. 2. *Officer's defaults.*—Any officer or employee of the health department who willfully connives at or assists in the violation of any of the provisions of this ordinance shall, on conviction thereof, be fined not less than \$100 nor more than \$200 and at once forfeit his office.

SEC. 3. *Insignia of office—Powers.*—The health commissioner and the inspectors shall each, when on duty, wear a metallic star, inscribed with suitable words, which shall be supplied by and be the property of the city. They shall each have the power, on demand made thereof, to require the aid, assistance, or presence of any police officer in the performance of any duty enjoined by the provisions of this ordinance, to arrest all persons found violating any of the terms or provisions of this ordinance, and shall have full powers, as are now provided by the laws and ordinances of the city.

SEC. 4. *Milk vendor's license—License fees.*—No person or persons, firm, or corporation, or driver of any milk wagon thereof, shall sell or offer for sale, expose for sale—dispose of, exchange or deliver, or, with the intent so to do as aforesaid, have in his or their possession, care, or custody or control, milk or cream for human food without having first been licensed so to do. Every person or persons, firm, or corporation selling or disposing of milk or cream at retail shall annually, on the 1st day of May, pay license fees as follows: Every milk or cream vendor selling, offering for sale, exposing for sale, exchange, or delivery, or disposing of the same in or from any store, stand, booth, market place, milk depot, warehouse, dairy, cow stable, or any building or establishment of any kind, or in or from any wagon, carriage, or other vehicle shall pay the sum of \$5: *Provided,* The above fee shall not apply to grocers and meat dealers who receive or are supplied from dairymen who have already paid the license fee. Persons who own more than two cows and who sell milk therefrom to their neighbors or customers by peddling the same by hand shall be subject to inspection and all the

regulations of this ordinance, but shall be compelled to pay a fee of but \$1 per year for registration. When more than one wagon, carriage, or vehicle is used from which milk or cream is sold or offered for sale, there shall be paid at the same time and in like manner, as hereinbefore provided, for each such additional wagon, carriage, or other vehicle the sum of \$5. All licenses granted pursuant to this ordinance shall be issued by the commissioner of public health and safety, and he shall have the right and authority to suspend at any time such licenses for flagrant violation of the provisions hereto and for any other good and sufficient cause. In case the person whose license is suspended desires to appeal to the city council, he shall have that privilege. The council shall have the right to revoke such license or renew the license to the person aggrieved.

SEC. 5. *License—Application and issue of.*—License shall be issued in the names of the applicants therefor. Before the issuance of the license every vender of milk or cream shall make written application therefor on a printed form provided for that purpose, on which shall be stated:

First. The name, residence, and location of the business place or places of the applicant.

Second. The number of cows, if any, owned by or controlled by the applicant.

Third. The number and description of each and every wagon, carriage, or other vehicle used by the applicant in the milk or cream business.

Fourth. If, after the issuance of and delivery of the license, any change be made in the location of the place of business of such licensee, notice thereof must forthwith be given to the city clerk. Any and all persons licensed under this article shall immediately cause to be and remain posted his or their license upon some conspicuous part of the room or office in which the business is carried on, under a penalty of not less than \$10 for each day said license remains unposted as provided in this section.

SEC. 6. *Vehicles, premises, etc.—Cleanliness.*—All utensils, mechanical milkers, or other devices used in the production or handling of milk or cream must be properly cleaned and sterilized each time before using, and shall be so constructed so that all parts are absolutely free from places where milk can accumulate or soak in so that it can not be removed by simple washing, and the surface coming in contact with the milk or cream must be smooth and free from rust, and all refrigerators or stores or other places where milk or cream is kept, stored, or handled shall be kept in a scrupulously neat and clean condition and free from the presence or vicinity of any article likely to injuriously affect the quality or sweetness of milk or cream; and no person or corporation shall use any can, bottle, or other receptacle in which milk or cream has been delivered to such person or corporation for the purpose of handling or storing any other article, and persons having in their possession bottles, cans, or other receptacles used for the transportation or delivery of milk or cream shall cleanse or cause to be cleansed all such milk vessels immediately after emptying; but such vessels shall be sterilized by dairyman or dealer before being filled again.

All persons living upon premises where such milk is produced or employed thereon or engaged or employed in the handling of milk that is brought into the city of Rock Island or sold in the city of Rock Island for human food shall be free from contagious or infectious diseases and resident or domiciled in places free from such diseases, and shall not be exposed to or come in contact with a person suffering with or having a contagious disease: *Provided*, That no person shall be employed or permitted to work on such farm or to handle any such milk unless and until it shall have been demonstrated to the satisfaction of the commissioner of health of the city of Rock Island that such person is not a typhoid or diphtheria carrier.

It shall be the duty of every person, firm, or corporation producing milk or handling milk to notify the commissioner of health at once, by mail, of the occurrence of any sickness in any person or persons living or employed on their farms where such milk

is produced or employed by them in the handling of such milk. Milk, cream, skimmed milk, or buttermilk produced on any farm or bottled or handled where a case of contagious or infectious disease has occurred or is suspected to have occurred shall not be shipped into or delivered or sold or offered for sale in the city of Rock Island or to any creamery or bottling plant supplying the city of Rock Island until the commissioner of health shall be notified and shall have made an investigation and released such milk, cream, skimmed milk, or buttermilk for delivery in the city of Rock Island.

All cans, vessels, and receptacles used in the handling of milk and cream, as well as all packages, refrigerators, restaurants, hotels, compartments, or stores or other places where milk and cream are kept, stored, or handled, shall be kept and maintained scrupulously neat and clean, and shall be kept free from the presence or vicinity of any article of any kind likely to contaminate or injuriously affect the quality or sweetness of the milk or cream. All cans, bottles, vessels, and receptacles in which milk or cream is kept shall be sterilized with boiling water or live steam, each time they are used, and all pouring cans, dippers, or other vessels used in handling or peddling milk or cream shall be scalded or sterilized daily, and all bottles in which milk is distributed shall be washed clean and sterilized each time they are used. No person or persons shall bring to, or deliver milk in the city of, Rock Island for the purpose of retailing the same to customers in the city of Rock Island, in any open or uncovered wagon, cart, or conveyance of any kind, and all milk hereafter brought to the city of Rock Island to be retailed to consumers, or for that purpose, to be delivered in the city of Rock Island, shall be brought to said city and delivered in carts and wagons or cars so constructed that the covering hereinbefore provided shall not come in contact with the cans, bottles, or other vessels containing the milk, and shall protect such milk and the cans, bottles, or other vessels containing the same from the sun and the rain, and so far as practicable, from the dust and all impurities of the air.

No milk shall be sold by any dairyman from a milk wagon, after May 1, 1916, unless it shall be contained in glass bottles, which have stamped thereon the name of the owner thereof. Milk sold in large quantities and by wholesale may be delivered in suitable cans.

It shall be unlawful for any person, firm, or corporation, after one year from date of the passage of this ordinance, to sell milk in bottles which have not stamped thereon the name of the owner.

SEC. 7. *Vehicle sign.*—No milk or cream shall be sold, offered for sale, exposed for sale, exchanged, delivered, transported, conveyed, or carried on any wagon, carriage, or other vehicle unless the owner or owners thereof shall first obtain from the city clerk two metal plates on which shall be stamped the number corresponding to the license, together with the year for which the license is issued, which plates the said licensed owner or owners shall cause to be securely fastened on the outside of each side of the box of his vehicle so licensed, or in a conspicuous place so that the same can be easily seen.

SEC. 8. *Inspection—Resisting.*—It shall be the duty of the said health commissioner (either in person or by one or more of said inspectors) to visit, view, and inspect dairies and farms from which milk and cream are sold to be used in the city of Rock Island, and all places and vehicles in which milk and cream may be sold, offered for sale, exposed for sale, stored, kept, exchanged, delivered or disposed of as well as to inspect, view, and examine all vessels, cans, receptacles, packages, refrigerators, or compartments of store places or buildings, erections or establishments of any kind containing milk and cream, and ascertain or examine the condition thereof with reference to cleanliness and sanitation, and are authorized, directed, and empowered to cause the removal and abatement of any unfit, unclean, or injurious condition attending the keeping, storing, or possession, care, custody or control of milk or cream at and all places. Any person, firm, or corporation failing, neglecting, delaying, or refusing to obey or

conform to any reasonable order or direction under this section, made by the proper officer, shall be deemed to misdemeanor and fined not less than \$10, nor more than \$100.

SEC. 9. *Powers of entry.*—The commissioner of health, inspector, and police officer detailed, directed, or instructed to act therein shall have the right and it shall be their duty to enter and have full access, egress, and ingress to all places where milk or cream is stored or kept for sale, to all wagons, carriages, or other vehicles, railroad cars, or conveyances of any kind used for the conveyance, transportation, or delivery of milk to any warehouse, place of business, factories, buildings, farms, stables, railroad depots, erections, establishments, or places of any kind to all vessels, cans, packages, refrigerators, or receptacles of milk or cream, and to take samples of milk and cream therefrom, not exceeding 1 pint, for the purpose of inspecting, testing, or analyzing the same, and when demanded of the inspector one-half of the sample shall be returned to the person from whom the milk is taken, to be used in his own private test.

Any person, firm, or corporation failing, neglecting, delaying, or refusing to obey or conform to any reasonable order or direction under this section, made by the proper officer, shall be deemed guilty of a misdemeanor and fined not less than \$10 nor more than \$100, and whenever a sample or samples so found and taken as aforesaid shall not correspond with or shall be in violation of the requirements of this ordinance the person or persons, firm, or corporation in whose possession, care, custody or control such milk or cream may be found, shall be deemed guilty of a misdemeanor and fined not less than \$10 nor more than \$100 for each and every offense.

SEC. 10. *Samples—Test.*—All samples of milk and cream taken or brought to the office of the department of health by the officers thereof shall be analyzed or otherwise tested and wherever or whenever said milk or cream or condensed milk so tested or analyzed shall be found in violation of the provisions of this ordinance the necessary steps shall be taken for prosecution for a violation thereof. The analysis or test herein required may be made with such instruments, apparatus, chemicals, or other articles and to such extent as may be by the commissioner of health be deemed necessary. A record shall be kept of every analysis or examination that may be made, and the health commissioner shall make an annual report of the transactions of this division to the council with all such data as may be of public interest.

SEC. 11. *Milk test.*—No milk shall be kept, sold, or offered for sale, stored, exchanged, transported, conveyed, carried, or delivered, or with such intent as aforesaid, be in the care, custody, control, or possession of anyone if it contains more than 88 per cent of watery fluids or less than 12 per cent of total solids, of which total solids 3 per cent shall be butter fat.

SEC. 12. *Cream test.*—No cream shall be sold, offered for sale, exchanged, delivered, or be transported or carried for the purpose of sale, exchange, or delivery that contains less than 18 per cent of butter fat or that is taken from any impure, diseased, unhealthy, unclean, adulterated, or unwholesome milk or cream to which any foreign or other substances of any kind has been added. Offenders under this section shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined not less than \$10 nor more than \$100 for each and every offense.

SEC. 13. *Skimmed milk—Penalty.*—Any vendor of milk or cream or any driver, servant, or agent of such vendor, who shall in the city of Rock Island sell or offer for sale any milk from which the cream or any part thereof shall have been taken, shall offer for sale and sell the same as skimmed milk and not otherwise, and no vendor of milk, and no driver, servant, or agent of such vendor shall offer for sale or sell or have in his custody, possession, or control, with intent to sell or deliver same, any such milk from which the cream or any part thereof shall have been taken, unless the can, vessel, or package containing such milk shall have conspicuously attached thereto a steel or metallic tab on which shall be engrossed the words "skimmed milk" in large, plain, distinct letters; said steel or metallic tab shall not be less than 3 inches by 5

inches in size, and when the same is sold in bottles the words "skimmed milk" should be marked on the cap.

SEC. 14. *Impure, diluted, or adulterated milk.*—Whoever, by himself, or by his servant or agent, employee or milk-wagon driver, or as servant or agent, employee or milk-wagon driver for any other person, firm, or corporation, sells, offers for sale, exchanges, delivers, or transports or carries for the purpose of sale, exchange, or delivery, or has in his custody, possession, care, or control with intent so to sell, offer for sale, exchange, or deliver, or exposes or offers for sale, exchange, transportation, or delivery any milk or cream for human food which is unclean, diluted, impure, unhealthy, diseased, unwholesome, adulterated, or not of the standard of quality provided for by this ordinance, or milk or cream to which water or any foreign substance has been added, or milk or cream produced from cows kept in an unclean, filthy, or unhealthy condition, or milk or cream that has been exposed to or contaminated or affected by the emanations, discharges, or exhalation from any human beings or animals sick with any contagious or infectious diseases by which the health or life of any person may be endangered, compromised, or in any way affected, shall be deemed guilty of a misdemeanor, and on conviction thereof shall for a first offense be fined not less than \$10 nor more than \$100; and for each subsequent offense be fined not less than \$25 nor more than \$200.

SEC. 15. *Adulteration or dilution.*—Any person who shall adulterate milk or cream or reduce or change it in any respect by the addition of water or any foreign or other substance or by the removal of cream therefrom with a view of selling or offering the same for sale or exchange shall be deemed guilty of a misdemeanor, and on conviction thereof be fined not less than \$10 nor more than \$100 for each and every offense.

SEC. 16. *Foreign substances contained.*—Any person, firm, or corporation who shall sell, offer for sale, expose for sale, exchange, deliver, dispose of or transport, convey or carry, or with any such intent as aforesaid, have in his or their possession, care, custody, or control, any milk or cream having therein or containing any foreign or other substance of any kind whatever, or coloring matter, or any adulteration or preservative, whether for the purpose of artificially increasing the quantity of milk or cream or for preserving the condition of sweetness thereof, or for any purpose whatever, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than \$10 for each and every offense.

SEC. 17. *Condensed milk.*—No person shall manufacture, sell, or offer for sale any condensed or evaporated milk for domestic use, unless the same shall be put up in packages or cans upon which shall be distinctly labeled or stamped the name or brand by whom or under which the same is made. No condensed or evaporated milk shall be made, sold, or offered for sale, exchanged or delivered for domestic use, unless the same is manufactured from pure, clean, healthy, fresh, unadulterated, wholesome milk from which the cream has not been removed. Condensed or evaporated milk shall contain not less than 20 per cent of milk solids and 100 per cent of such milk solids shall contain not less than 27.5 per cent of milk fat. Nothing herein contained shall be construed to prevent the addition of cane sugar in the manufacture of condensed or evaporated milk.

SEC. 18. *Confiscation of impure milk.*—All milk and cream from sick and diseased cows, or cows fed on refuse or slops from distilleries, vinegar factories, or any similar slops, mash, or refuse shall upon discovery thereof be confiscated, forfeited, and immediately destroyed by or under the direction of the commissioner of health or superintendent who shall, if done in good faith, be held harmless in damages therefor in any suit or demand made.

SEC. 19. *Buttermilk.*—Nothing in this ordinance shall be so construed as to prohibit the use or sale of what is known as buttermilk, provided the same is produced from pure and wholesome milk. Should any such buttermilk, however, be sold, kept, offered, or exposed for sale, exchanged, or transported, conveyed, or carried or be in

the care, custody, control, or possession of anyone, with the intent as aforesaid, which is not the product of pure and wholesome milk, the offender shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than \$25 nor more than \$100 for each and every offense.

SEC. 20. *Hotel keeper, restaurant, etc.*—Every hotel keeper, restaurant keeper, or boarding-house keeper who furnishes milk or cream to his or their guests or boarders shall be in all respects subject and amenable to the provisions of this ordinance, saving and excepting the obtaining of a license, and it shall be his duty to place over the container of milk the words, which shall truthfully describe the contents thereof in the words, "cream, milk, or skimmed milk."

SEC. 21. *Sick or diseased cow—Slaughter.*—If any cow be sick or diseased, the owner or person in charge thereof shall not sell, or offer for sale, exchange, or delivery, the milk or cream therefrom, but shall at once destroy the same. If, in the opinion of the commissioner of health or any inspector, any cow is afflicted with a contagious or infectious disease, he shall direct the owner or person in charge thereof to forthwith remove the said cow from the premises to a place where it may not spread or cause contagion or infection. A violation of this section shall be deemed a misdemeanor, and, on conviction thereof, the offender shall be fined not less than \$10 nor more than \$100. If said cow is by the commissioner of health or inspector deemed incurable, and the owner or person in charge thereof does not consent to its being killed, said commissioner shall notify the State board of live stock commissioners.

SEC. 22. *Parturition of cow.*—No milk or cream shall be sold, kept, offered, or exposed for sale, stored, transported, exchanged, carried, delivered, or in any manner disposed of, drawn from cows within 15 days before and 5 days after parturition, nor shall the same be mixed with any other milk or cream for such purposes. Anyone so offending shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be fined not less than \$10 nor more than \$100 for each and every offense.

SEC. 23. *Dairy, refuse matter, offal.*—All persons, firms, or corporations who own or keep a dairy and offer the products thereof for sale in the city of Rock Island, shall maintain the premises thereof free from any accumulation of refuse matter or offal, which shall be removed frequently, so as not to endanger the public health.

SEC. 24. *Moneys collected.*—All moneys collected under the provisions of this ordinance shall be duly paid to the city clerk.

SEC. 25. It shall be unlawful for a milk dealer to purchase any milk bottle from a junk dealer or other person engaged in the business of collecting bottles, which may have been contaminated by disease and filth.

SEC. 26. When milk is delivered to premises quarantined by the health authorities, it shall be unlawful for milk dealers to receive empty bottles therefrom, excepting after the same have been sterilized, under the direction of the health officer, who fumigates the premises upon the lifting of the quarantine.

SEC. 27. Dairymen who wish to put a milk of exceptional excellence on the market may be allowed to use the words "certified milk" on their labels, provided that they shall comply in every respect with the "certified milk" requirements.

SEC. 28. All milk sold as pasteurized milk shall at all times prove to be such, and dealers purporting to sell pasteurized milk shall be suspended from business should their milk be proven not to be pasteurized.

SEC. 29. Milk may be pasteurized in the following manner:

A uniform heat for 145° for 25 minutes.

A uniform heat for 150° for 20 minutes.

A uniform heat for 155° for 15 minutes.

A uniform heat for 160° for 10 minutes.

A uniform heat for 165° for 5 minutes.

A uniform heat for 170°. Flash.

SEC. 30. This ordinance shall not go into effect before 60 days after its passage, at the end of which time no milk shall be sold within the limits of the city of Rock Island which has not come from a farm or dairy which has been examined by the inspector and found to score more than 50 per cent. A permit shall be necessary regardless of the number of cows kept by the person selling milk.

The board of health shall have the power and authority to make such further rules and regulations as shall appear to be necessary from time to time.

Any violation of this ordinance shall subject the offender to the forfeiture of this dairy license, in addition to such other and further penalties herein provided.

Grades of milk.—The following standards are hereby established as to the relative merits to proper conditions of milk:

Fifty per cent passable.

Seventy per cent good.

Ninety per cent excellent.

One hundred per cent perfect.

Bacteria test.—All milk and skim milk brought into the city or sold or offered for sale in the city, must not contain more than 250,000 bacteria per cubic centimeter from May 1 to October 1, and 150,000 from October 1 to May 1.